

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Robert W. Gettleman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6253	DATE	12/13/2007
CASE TITLE	U. S. ex rel. Arthur Cota v. Chicago		

DOCKET ENTRY TEXT:

Petitioner Arthur Cota, incarcerated in Florence, Arizona, has submitted a petition for habeas corpus relief without either paying the \$5 filing fee or submitting an in forma pauperis application. Additionally, petitioner failed to use the required form of this Court, *see* N.D. Ill. 81.3(a), and it is unclear from his current petition what claims he seeks to raise. Petitioner must, within 30 days of the date of this order: (1) either pay the \$5 filing fee or submit a completed in forma pauperis application, and (2) submit an amended petition for habeas corpus relief on the Court's form being provided to him. Plaintiff's failure to comply with this order within 30 days will result in dismissal of this case without prejudice. The Clerk is directed to send petitioner an in forma pauperis application form and a amended petition form, along with a copy of this order.

■ [For further details see text below.]

STATEMENT

The clerk has accepted this pro se habeas corpus petition for docketing pursuant to Fed. R. Civ. P. 5(e), without payment of the \$5 filing fee or an application to proceed in forma pauperis, as required under 28 U.S.C. § 1914(a). Rule 11(b) of the General Rules of this Court requires persons seeking leave to file in forma pauperis file to their motions on a prescribed form. The form requires inmates to obtain a certificate stating the amount of money they have on deposit in their prison or jail trust fund account. If petitioner wants to proceed on his petition, he must either prepay the \$5 filing fee or submit an application to proceed in forma pauperis.

Additionally, petitioner failed to use the required form for his habeas petition, and it is unclear from his current petition what claims petitioner seeks to raise, or whether petitioner was convicted in the Northern District of Illinois such that he may seek habeas relief from this Court. *See* 28 U.S.C. § 2241(d) (a petitioner may file a § 2254 petition only in the federal district where he is currently in custody or where he was convicted). Petitioner indicates that he is challenging either his arrest, his sentence, or both; however, he provides no information about his conviction, criminal proceedings, or sentence. If petitioner wants to proceed with this case, he must submit an amended petition. The amended petition must be on this Court's form, *see* Local Rule 81.3(a), and must set forth the information requested therein. Petitioner must write both the case number and the judge's name on the amended petition and return the originally filled out and signed form and a copy for the judge and a copy for the Attorney General to the Prisoner Correspondent. Petitioner is advised to keep a copy for his files.

Failure to comply with this order on or before January 30, 2008, will result in dismissal of this petition without prejudice. *See Brekke v. Morrow*, 840 F.2d 4, 5 (7th Cir. 1988).

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